

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 INRE-00 SSO-00 NSCE-00 USIE-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 SAJ-01 CPR-02 NIC-01

ACDA-19 IO-14 DRC-01 /123 W
----- 027542

O R 241609Z MAY 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 2760

USMISSION BERLIN IMMEDIATE

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 08286

E.O. 11652: GDS

TAGS: PFOR, WB, GW, GE, US, UK, FR

SUBJECT: IMMUNITY FOR GDR PERMREPS IN WEST BERLIN

REF: (A) STATE 101367; (B) BONN 6162; (C) STATE 68494;
(D) STATE 54120

SUMMARY: AT TRIPARTITE MEETING HELD MAY 24 TO DISCUSS
STATUS OF BK/O AND BK/L ON PRIVILEGES AND
IMMUNITIES (P&I) FOR GDR PERMREPS WHILE IN WEST BERLIN,
ALL REPS AGREED THAT BK/O AND BK/L SHOULD BE ISSUED
ASAP IRRESPECTIVE OF QUESTION EXTENSION GAUS-NIER
AGREEMENTS. ALSO AGREED WERE VERY MINOR CHANGES IN
TEXT. END SUMMARY.

1. ALLIED REPS MET TRIPARTITELY MAY 24 TO SORT OUT
WHERE WE STAND ON P&I BK/L AND BK/O. UK (CROMARTIE) AND
FRENCH (PAYE) REPS EXPRESSED DISAPPOINTMENT THAT THE
DOCUMENTS HAD NOT YET BEEN ISSUED IN BERLIN AND ASKED
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U.S. REP WHAT PRESENT SITUATION WAS (USBER IS IN THE

CHAIR). U.S. REP NOTED THAT CAUSE OF DELAY APPEARS TO HAVE BEEN ACTION TAKEN ON APRIL 19 BY UKBER, THEN IN THE CHAIR IN BERLIN, IN WHICH THE SENAT WAS ASKED TO SUBMIT APPROPRIATE PORTIONS OF THE GAUS-NIER AGREEMENT TO ALLIED KOMMANDATURA FOR EXTENSION. SENAT NOW APPARENTLY HAS REQUESTED EXTENSION, BUT OF THE ENTIRE GAUS-NIER PACKAGE. THIS POSES TWO PROBLEMS, U.S. REP CONTINUED, WHAT TO DO ABOUT SENAT'S REQUEST SINCE SOME PORTIONS OF GAUS-NIER DID NOT SEEM TO BE SUITABLE FOR EXTENSION, AND WHAT, THEN, TO DO ABOUT ISSUANCE OF BK/O AND BK/L. U.S. REP SAID THAT EMBASSY VIEW, AND APPARENTLY THAT OF DEPARTMENT (FROM STATE 67456), IS THAT THERE IS NO REASON TO HOLD OFF ON ISSUANCE OF THE TWO DOCUMENTS UNTIL EXTENSION QUESTION IS RESOLVED.

2. CROMARTIE SAID THAT, IF UKBER HAD APPROACHED SENAT AS U.S. REP REPORTED, IT HAD DONE SO IN ERROR, FOR IT WAS UK POSITION THAT BK/O AND BK/L ISSUANCE SHOULD PROCEED ASAP AS MATTER INDEPENDENT FROM GAUS-NIER EXTENSION. WHILE UK REPS IN PAST DISCUSSION OF MATTER HAD INDICATED A COMPLETELY OPEN MIND REGARDING EXTENSION OF APPROPRIATE PARTS OF GAUS-NIER, CROMARTIE ADDED, THIS HAD NEVER BEEN FORMALLY RESOLVED AMONG ALLIES AND QUESTION WAS STILL OPEN. UK LEGAL ADVISOR (BERMAN) SAID THAT UK FOR SURE COULD NOT AGREE TO EXTENSION OF ENTIRE GAUS-NIER PACKAGE, OR OF ANY PART WHICH IMPLIED THAT P&I FOR GDR PERMREPS IN BERLIN WERE BASED ON IT, SINCE P&I ARE A PURELY INDEPENDENT ACT OF THREE ALLIES.

3. PAYE SAID HIS POSITION WAS BASICALLY SAME AS THAT OF UK. HIS PERSONAL VIEW, HE SAID, WAS THAT THERE WAS SOME USEFULNESS IN EXTENDING PROTOCOL NOTE 6 AND PERHAPS EVEN THE CONFIDENTIAL NOTES TO IT, BUT HE HAD NO VIEWS FROM PARIS ON THIS. PARIS DOES HOLD THE POSITION, HOWEVER, THAT QUESTION OF EXTENSION IS QUITE SEPARATE FROM THAT OF BK/O AND BK/L ISSUANCE. U.S. REP AGREED THAT THERE WAS NO NECESSARY CONNECTION BETWEEN TWO MATTERS AND SUGGESTED REFERRAL TO AUTHORITIES FOR REAFFIRMATION OF AGREEMENT TO ISSUE BK/O AND BK/L ASAP IRRESPECTIVE OF CONFIDENTIAL

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FINAL OUTCOME OF EXTENSION QUESTION. PAYE AND CROMARTIE BOTH REPLIED THAT THIS UNNECESSARY FOR THEM AS THEIR EMBASSIES WOULD INSTRUCT THEIR RESPECTIVE BERLIN MISSIONS TO AGREE TO IMMEDIATE ISSUANCE OF BK/O AND BK/L.

4. REGARDING THE TEXTS OF THE TWO DOCUMENTS, PAYE SUGGESTED WE TAKE ADVANTAGE OF U.S. INTENTION TO REFER

AGAIN TO AUTHORITIES AND OBTAIN AGREEMENT ON SOME VERY MINOR CHANGES - HE DID NOT WANT, HE HASTENED TO ADD, TO SUGGEST THAT SUBSTANCE OF TEXTS BE BROUGHT INTO QUESTION, BUT AT LEAST TWO CHANGES WERE REQUIRED SIMPLY FOR SAKE OF ACCURACY, AND ANOTHER - IN SUBJECT LINE - WOULD IMPROVE DOCUMENTS. ALL REPS SUBSEQUENTLY AGREED TO FOLLOWING CHANGES:

(A) SUBJECT LINES OF BOTH TO READ: "PRIVILIGES AND

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 08286

IMMUNITIES FOR THE PERMANENT REPRESENTATION OF THE GDR";

(B) IN BK/O, FIRST SENTENCE TO READ: "THE ALLIED KOMMANDATURA HAS NOTED THE PROMULGATION IN THE FRG OF THE FEDERAL ORDINANCE OF APRIL 30, 1974 ON THE P&I OF THE PERMANENT REPRESENTATION OF THE GDR" ETC.;

(C) IN BK/L, VERB IN FIRST SENTENCE TO READ: "HAS BEEN

ESTABLISHED" VICE "IS TO BE" ETC.;

(D) SUBSTITUTE "PERMANENT REPRESENTATION" IN ALL
CASES FOR "PERMANENT MISSION". (FRG WILL USE "REPRESEN-
TATION" AS NAME IN ENGLISH.)

5. COMMENT AND ACTION REQUESTED: WE HOPE THE DEPART-
MENT CAN QUICKLY AGREE TO CHANGES IN TEXT GIVEN PARA 4,
AND REAFFIRM THE EARLIER INDICATION (STATE 67456, PARA

3) THAT ISSUANCE BK/O AND BK/L NOT DEPENDENT ON EXTENSION
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ANY PORTIONS OF GAUS-NIER AGREEMENT. ON OTHER HAND, WE
AGREE FULLY THAT PROTOCOL NOTE 6 SHOULD BE EXTENDED. WE
ASSUME THE DEPARTMENT AGREES (REFTEL D) BUT WOULD
APPRECIATE THE DEPARTMENT'S GUIDANCE.

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